THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

APPEAL SUIT No.167 OF 2004

JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

This appeal, under Section 54 of the Land Acquisition Act, 1894, is filed by the Special Deputy Collector (Land Acquisition), Somasila Project, Unit No.I, Badvel, aggrieved by the judgment and decree, dated 23.10.1998, rendered in L.A.O.P.No.1529 of 1988 by the learned Senior Civil Judge, Rajampet, by which, the said O.P. was disposed of along with L.A.O.P.No.442 of 1987 and batch fixing the compensation at Rs.19,000/- per acre for the acquired irrigatable dry land as against Rs.11,000/- per acre fixed by the Land Acquisition Officer.

When the matter is called, it is submitted that the subject matter of this appeal is squarely covered by the judgment of a Division Bench of this Court in A.S.No.261 of 2004, dated 29.01.2008. A copy of the said judgment is placed on record and a perusal of the same discloses that aggrieved by the order, dated 23.10.1998, passed in L.A.O.P.No.442 of 1987, the Land Acquisition Officer has filed the aforesaid appeal and this Court, by judgment, dated 29.01.2008, while disposing of the appeal insofar as claimant Nos.2 to 5 and 7 to 10 therein, who appeared before the Lok Adalat, in terms of the Award passed by

the Lok Adalat, dismissed the appeal insofar as claimant Nos.1,6 and 11, who did not appear before the Lok Adalat, confirming the compensation fixed by the reference Court, as the enhancement of compensation made by the reference Court is less than 80% over and above the market value fixed by the Land Acquisition Officer.

As the subject matter of this appeal is squarely covered by the judgment, dated 29.01.2008, in A.S.No.261 of 2004, and as the enhancement of compensation made by the reference Court for the land in question is less than 80% over and above the compensation fixed by the Land Acquisition Officer, this appeal is also dismissed following the aforesaid judgment and for the reasons recorded therein.

Miscellaneous Petitions, if any, pending shall stand closed. No costs.

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JUSTICE R.SUBHASH REDDY

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JUSTICE A.SHANKAR NARAYANA

26th September, 2014

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